

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1, 8, 13, 18, 25, 28, 32, 39 and 41 have been amended herein. Care has been exercised to introduce no new matter. Claims 6, 7, and 24 have been cancelled herein. Claims 1-5, 8-23, and 25-41 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 101

Claims 7-12, 24, 28-31 and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Portions of the specification have been redacted to remove references to carrier waves in accordance with the current state of the law. Additionally, claims 7 and 24 have been cancelled herein. Accordingly, it is believed that the provisional rejection of claims 8-12 and 28-31 based upon non-statutory subject matter has been overcome.

Rejections based on 35 U.S.C. § 102

Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Manuel et al. (U.S. Patent No. 6,574,323). The rejection is traversed based, at least in part, on the above amendments and the following remarks.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Applicant respectfully submits that Manuel et al. does not disclose each and every element of independent claims 1, 8, 13, 18, 25, 28, 32, 39, and 41.

Amended claim 1 discloses a method for routing a communications request to help facilitate a call between a user and a desired recipient by making use of an intermediary agent (“agent”), the method comprising: receiving said communications request from a user,

wherein said communications request includes a request to ultimately reach said desired recipient; retrieving a set of preferences associated with said user; retrieving profile data related to a plurality of agents who may respond to said communications request; and selecting a specific agent from said plurality of agents based on said set of preferences and said profile data, wherein said specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data; and routing said communications request to said specific agent, who is able to receive said communications request and facilitate said call.

There are several differences between amended claim 1 and the Manuel reference. For example, Manuel does not disclose a “method for routing a communications request to help facilitate a call between a user and a desired recipient by making use of an intermediary agent (‘agent’)” as recited in independent claim 1. The Office suggested that a plurality of agents is equivalent to representatives, called parties, and subscribers. The Applicants respectfully disagree. As recited in our paragraph [0041], an agent “is typically a human being but could be an electronic solution (such as a voice/speech translator). Currently, human beings provide the best intermediary between a call initiator and a called party.” This clearly indicates that an agent is an intermediate party that facilitates communication between a user and a desired recipient. Therefore, the agent is not a called party or a subscriber in the context of this Application. The Office cited col. 1, lines 9-13, of Manuel which states that “a method and system for providing alternative routing consistent with a calling party profile when subject to enhanced services provided to a called party” is provided. Therefore, Manuel discloses making use of a calling party profile when routing a communications request, not an “intermediary agent” as disclosed in amended claim 1.

Furthermore, Manuel et al. does not disclose “retrieving profile data related to plurality of agents” as recited in independent claim 1. Manuel discloses using call processing records (CPRs) to store information about a calling party and a called party in column 3 lines 50-56. Storing profile data about an intermediate party that facilitates communication between a user and a desired recipient is not disclosed. Furthermore, as shown in FIG. 9 of the Application as filed, agent profile data may include information such as gender, language, and location. This feature is clearly not disclosed by Manuel.

Manuel does not disclose “selecting a specific agent from said plurality of agents based on said set of preferences and said profile data, wherein said specific agent possesses attributes consistent with at least a portion of the set of preferences and profile data; and routing said communications request to said specific agent, who is able to receive said communications request and facilitate said call” as recited in amended claim 1. As established above, Manuel does not disclose maintaining profile data for a plurality of agents who facilitate communication between a user and a desired recipient. Therefore, Manuel also does not disclose selecting a specific agent based on the agent’s profile data.

As such, it is respectfully submitted that the Manuel reference fails to describe, either expressly or inherently, each and every element of independent claim 1. Amended independent claims 8, 13, 18, 25, 28, 32, 39, and 41 have elements similar to those in claim 1. Therefore, substantially the same arguments apply to claims 8, 13, 18, 25, 28, 32, 39, and 41. Accordingly, independent claims 1, 8, 13, 18, 25, 28, 32, 39, and 41 are not anticipated by the Manuel reference and withdrawal of the 35 U.S.C. § 102(e) rejection of these claims is respectfully requested. Claims 1, 8, 13, 18, 25, 28, 32, 39, and 41 are believed to be in condition for allowance and such favorable action is respectfully requested.

Dependent claims 2-5, 9-12, 14-17, 19-23, 26, 27, 29-31, 33-38, and 40 are allowable at least based on their dependency on allowable independent claims.

CONCLUSION

For at least the reasons stated above, claims 1-5, 8-23, and 25-41 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jcamacho@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

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